

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #2	CCRB Case #: 201908443	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/22/2019 3:45 PM	Location of Incident: East 182nd -183rd Streets B/D-train Subway Station	Precinct: 46	18 Mo. SOL 3/22/2021	EO SOL 11/6/2021	
Date/Time CV Reported Tue, 09/24/2019 9:30 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 09/24/2019 9:30 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			TB DT11
2. POM Padraic Hulme	16630	954949	TB DT11
3. POM Neon Chowdhury	19070	953408	TB DT11
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Alexis Bruno	03448	952502	TB DT11
2. POM Luis Roldan	05202	957099	TB DT11
3. POM Wesley Campbell	19622	958363	WARRSEC
4. POM Dezavon Mcneil	14685	960922	TB DT11
5. POM Luis Garcia	10302	965126	TB DT11
6. POF Rebeca Reyes	31841	965450	TB DT11
7. POM Joseph Demaio	17198	966536	TB DT11
8. POM Maruf Ahmed	12529	952389	TB DT11

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B.POM Padraic Hulme	Force: Police Officer Padraic Hulme used a chokehold against § 87(2)(b)	
C.POM Padraic Hulme	Force: Police Officer Padraic Hulme restricted § 87(2)(b)'s breathing.	
D. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b)	
E. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 24, 2019, § 87(2)(b) filed the following complaint in person at the CCRB.

On September 22, 2019, at approximately 3:45 PM at the East 182nd-183rd Streets B/D-train Subway Station in the Bronx, § 87(2)(b) was arrested for fare evasion by Police Officer Neon Chowdhury of Transit District 11. § 87(2)(b) actively resisted arrest and struggled with Police Officer Chowdhury, Police Officer Luis Roldan, Police Officer Wesley Campbell, and Police Officer Padraic Hulme, all of Transit District 11 (**Allegation A: Physical Force** – § 87(2)(g)). During the struggle, Police Officer Hulme allegedly pulled on a chain § 87(2)(b) was wearing around his neck, which “strangled” him and restricted his breathing (**Allegations B, C: Force – Chokehold, Restriction of Breathing** – § 87(2)(g)). § 87(2)(b) was eventually restrained and handcuffed without further incident. When he addressed all of the officers and allegedly requested their shield numbers, none of them answered (**Allegation D: Abuse of Authority – Refusal to Provide Shield Number** – § 87(2)(g)). § 87(2)(b)'s sunglasses were allegedly broken by an unidentified officer at some point during the struggle (**Allegation E: Abuse of Authority – Property Damage** – § 87(2)(g)). § 87(2)(b) was eventually removed to the stationhouse and charged with fare evasion and resisting arrest (Board Review 02). § 87(4-b), § 87(2)(c)

§ 87(2)(g)

§ 87(2)(b)

The investigation obtained relevant BWC footage from cameras worn by Sergeant Alexis Bruno, Police Officer Roldan, Police Officer Campbell, Police Officer Hulme, and Police Officer Chowdhury (Board Review 06-11). The Metropolitan Transportation Authority maintained no surveillance cameras at the subway station where the incident occurred.

Findings and Recommendations

Allegation (A) Force: Officers used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Padraic Hulme used a chokehold against § 87(2)(b)

Allegation (C) Force: Police Officer Padraic Hulme restricted § 87(2)(b)'s breathing.

§ 87(2)(b) was interviewed at the CCRB on September 24, 2019 (Board Review 01). Police Officer Roldan was interviewed on September 28, 2020; Police Officer Hulme was interviewed on September 30, 2020; and Police Officer Chowdhury was interviewed on December 29, 2020 (Board Review 03-05).

The following facts are undisputed. On September 22, 2019, at approximately 3:45 PM, § 87(2)(b) used the emergency gate to enter the mezzanine area of the B/D subway station at East 182nd Street, without permission or MetroCard, and tried to make his way to the train platform. Upon seeing § 87(2)(b) do so, Police Officer Chowdhury stopped him for fare evasion and asked for his identification. § 87(2)(b) refused to provide it. When Police Officer Chowdhury then attempted to arrest him with the assistance of Police Officer Roldan, Police Officer Campbell, and Police Officer Hulme, § 87(2)(b) actively resisted by struggling with the officers.

§ 87(2)(b) stated that he was simultaneously approached and engaged by four plainclothes officers: a Hispanic male, a white male, an Indian male, and a black male. Per § 87(2)(b) the officers grabbed him by the shoulders and torso when he refused to provide identification; as they struggled to restrain him the white male, Police Officer Hulme, repeatedly pulled on the chain around § 87(2)(b)'s neck – attached to

which was his wallet – as if he was trying to remove it from him. § 87(2)(b) stated this action “strangled” him and restricted his breathing. At this point, § 87(2)(b) dropped himself to the ground intentionally and allowed the officers to restrain and handcuff him.

Police Officer Chowdhury, Police Officer Roldan, and Police Officer Hulme all recalled the chain-wallet § 87(2)(b) was wearing, but denied making any contact with the chain during the struggle – whether by pulling on it or otherwise – and denied making any contact, direct or indirect, with § 87(2)(b)'s neck or windpipe. The officers jointly stated that their use of force was limited to grappling with § 87(2)(b) while he was upright and restraining his arms and legs after he dropped himself to the ground. Police Officer Chowdhury acknowledged being the first to engage § 87(2)(b). Police Officer Roldan stated that he and Police Officer Campbell arrived soon thereafter to assist Police Officer Chowdhury. Police Officer Hulme said that § 87(2)(b) was already on the ground with Police Officer Chowdhury and Police Officer Roldan by the time he arrived. Because § 87(2)(b) was kicking, he assisted by restraining his legs and remained in contact for approximately five minutes in total (Board Review 03-05).

None of the officers' BWCs were activated for the first phase of the encounter, when § 87(2)(b) was upright; the combined video footage thus does not capture the timeframe during which the alleged chain-pulling occurred – the vertical period of the struggle before § 87(2)(b) dropped himself to the ground.

Police Officer Chowdhury activated his BWC at approximately 4:03 PM: the footage shows that § 87(2)(b) was already handcuffed by this time and being escorted to another part of the mezzanine (Board Review 06-07). Police Officer Roldan's BWC recording begins at approximately 3:46 PM: it shows him arriving at the scene of the struggle, where § 87(2)(b) is already on the ground (Board Review 08). Police Officer Campbell's BWC recording begins at approximately 3:47 PM: he appears to be holding § 87(2)(b) against the ground with Police Officer Roldan (Board Review 09). Police Officer Hulme's BWC begins at approximately 3:47 PM with a 20-second period of audio-visual static and several following seconds of blurred movement (Board Review 10-11). Once the camera stabilizes, Police Officer Hulme appears to be looking down at the ground where Police Officer Roldan, Police Officer Campbell, and Police Officer Chowdhury are still restraining § 87(2)(b). He does not seem to make physical contact with § 87(2)(b) for the remainder of his recording. Sergeant Bruno's BWC, activated at 3:47 PM, begins with him approaching § 87(2)(b) on the ground as he is being restrained by Police Officer Roldan, Police Officer Chowdhury, and Police Officer Campbell (Board Review 12). From Sergeant Bruno's perspective, Police Officer Hulme stands over the officers and § 87(2)(b) without involving himself directly. Besides attempting to speak with § 87(2)(b) after he is handcuffed (at 2:00 in the recording) Sergeant Bruno never makes physical contact with him. For his part, § 87(2)(b) is seen screaming and threatening the officers for the full duration of the incident.

In the moments following his handcuffing, § 87(2)(b) tells the officers that he “can't breathe.” (See 1:15 in Police Officer Roldan's BWC footage) However, the officers are never in any discernible contact with § 87(2)(b)'s neck, throat, chest, or chain – not at this time and not at any other point during the incident.

Under Patrol Guide Procedure 221-01 and 02, an officer's use of force against an uncooperative subject must be objectively reasonable under the totality of the circumstances (Board Review 14).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (D) Abuse of Authority: Officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b) stated that soon after he was handcuffed, he addressed Sergeant Bruno, Police Officer Roldan, Police Officer Campbell, Police Officer Hulme, and Police Officer Chowdhury and asked them for their shield numbers. Allegedly, none of the officers responded.

Police Officer Hulme and Police Officer Roldan each stated that § 87(2)(b) asked him for his name and shield number at some point after he was handcuffed, and that he responded verbally with the information. Police Officer Chowdhury did not recall being asked for his name or shield number. None of the officers recalled § 87(2)(b) addressing them collectively and requesting their shield numbers.

The combined BWC footage – which together captures the entire timeframe during which the alleged request was made – does not show § 87(2)(b) requesting any information from the officers.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

§ 87(2)(b) stated after he was handcuffed and lifted up, he realized that his sunglasses had fallen from his pockets to the ground. He reminded the officers that the sunglasses were on the ground and warned them not to step on it. But a few minutes later, he turned to see the glasses lying shattered on the ground. § 87(2)(b) did not see what caused the damage; while he believed that one of the officers must have stepped on them intentionally, he saw nothing to suggest that this actually occurred.

Police Officer Chowdhury, Police Officer Hulme, and Police Officer Roldan all stated that they did not recall if § 87(2)(b) was wearing sunglasses at any point, or if he made any remarks about his sunglasses being broken during the course of the incident. The officers all denied damaging his sunglasses, intentionally or otherwise. Police Officer Chowdhury did not recall if he, as the designated arresting officer, vouchered any property belonging to § 87(2)(b). The arrest report lists no vouchered property.

Police Officer Hulme's BWC footage, at 3:05 in the recording (Board Review 10), shows Police Officer

Chowdhury (center-frame) holding what appears to be a pair of sunglasses in his left hand. Whether the sunglasses are damaged cannot be discerned. Additionally, none of the BWC recordings show what Police Officer Chowdhury ultimately does with the sunglasses. At 3:21 in the recording, § 87(2)(b) tells someone to, "Put it on the ground – don't step on it!" It is not clear who he is speaking to, or what he is referring to. At 20:50 in the recording, as § 87(2)(b) is being escorted out of the station, he states, "One of you guys broke, damaged, my glasses." However, neither the officers nor § 87(2)(b) reference the sunglasses again. The combined BWC footage does not show any officer stepping on or damaging any objects resembling sunglasses on the ground.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- Police Officer Hulme has been a member of service for seven years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Chowdhury has been a member of service for eight years and has been a subject in one prior CCRB cases and three allegations, none of which were substantiated.

Mediation, Civil, and Criminal History

- This case was not suitable for mediation.
- § 87(2)(b) has filed a Notice of Claim with the New York City Office of the Comptroller claiming physical and emotional injuries and seeking \$1,000,000 as redress (Board Review 16).
- According to the Office of the Court Administration, § 87(2)(b) has a criminal history in New York City consisting of three disorderly conduct convictions; § 87(2)(b) (Board Review 17).`

Squad No.: 02

Investigator:	<u>/sprakash</u>	<u>Inv. Santosh Prakash</u>	<u>3/9/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Alexander Opoku-Agyemang</u>	<u>IM Alexander Opoku-Agyemang</u>	<u>3/10/2021</u>
	Signature	Print Title & Name	Date